



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Anne ORTIZ-JULIEN

Atty. Ref.: 1721-122

Serial No. 10/586,667

Group: unknown

Filed: July 20, 2006

Examiner: Unknown

For: METHOD FOR PREVENTING DEFECTIVE AGEING OF WHITE WINES

* * * * *

January 9, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1540

Sir:

SUBMISSION

Submitted herewith is a copy of the English translation of the International Preliminary Report on Patentability issued in the corresponding PCT/FR2005/000115.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

B. J. Sadoff
Reg. No. 36,663

BJS:pp
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Expéditeur : le BUREAU INTERNATIONAL

PCT

NOTIFICATION DE TRANSMISSION DE COPIES
DE LA TRADUCTION DU RAPPORT D'EXAMEN
PRELIMINAIRE INTERNATIONAL
SUR LA BREVETABILITE (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

Destinataire :

PEAUCELLE, Chantal

Cabinet ARMENGAUD AINE
3, Avenue Bugeaud
75116 Paris
FRANCE

ARMENGAUD AINE

27 NOV. 2006

Date d'expédition (jour/mois/année) 23 novembre 2006 (23.11.2006)	
Référence du dossier du déposant ou du mandataire 050108	NOTIFICATION IMPORTANTE
Demande internationale n° PCT/FR2005/000115	Date du dépôt international (jour/mois/année) 19 janvier 2005 (19.01.2005)
Déposant LALLEMAND SAS etc	

1. Transmission de la traduction au déposant.

☐

Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre I).

☒

Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre II).

2. Transmission d'une copie de la traduction aux offices désignés ou élus.

Le Bureau international notifie au déposant qu'une copie de cette traduction a été transmise aux offices désignés ou élus suivants qui exigent la traduction en question:

KR

Les offices désignés ou élus suivants ayant renoncé à l'exigence selon laquelle la transmission doit être effectuée à cette date recevront une copie de cette traduction du Bureau international seulement à leur demande:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du Guide du déposant du PCT pour de plus amples renseignements.

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Genève 20, Suisse	Fonctionnaire autorisé Beate Giffo-Schmitt
n° de télécopieur +41 22 338 82 70	n° de télécopieur +41 22 338 82 70

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 050108	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2005/000115	International filing date (day/month/year) 19.01.2005	Priority date (day/month/year) 20.01.2004
International Patent Classification (IPC) or national classification and IPC .C12G1/022 C12H1/14		
Applicant LALLEMAND SAS		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2005/000115

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-3, 5-13

as originally filed/furnished

pages* 4 received by this Authority on 12.11.2005 with letter of 07.11.2005

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-12 received by this Authority on 12.11.2005 with letter of 07.11.2005

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/3-3/3 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2005/000115

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-12</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-12</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-12</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D2: JIN-CHUL PARK ET AL.: "Isolation and identification of the high-glutathione producing *Saccharomyces cerevisiae* FF-8 from Korean traditional Rice Wine and optimal producing conditions" JOURNAL OF THE KOREAN SOCIETY OF AGRICULTURAL CHEMISTRY AND BIOTECHNOLOGY, vol. 46, no. 4, 2003, pages 348-352, XP008031614 KR;

D3: WO 91/05846 A (HIESINGER EDWIN) 2 May 1991 (1991-05-02).

2. Document D3, which is considered to be the most relevant prior art, discloses (cf. the abstract; page 1, §2) a method for preventing the defective ageing of white wine, involving the use of substances that contain starch. The subject matter of claim 1 differs from this method in that yeast, which is pre-enriched with glutathione, is added to the must.

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
-----------	---

3. The problem that the present invention is intended to solve can therefore be considered to be that of providing an alternative method for preventing the defective ageing of white wine, which method does not use unauthorised substances and does not adversely affect the quality of the wine.

4. The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

There is no indication in the prior art that the use of yeast, which is pre-enriched with glutathione, to prevent the defective ageing of white wine could lead to satisfactory results.

5. The subject matter of claim 8 differs from document D2 (cf. the abstract) in that a specific amount of glutathione is defined. D2 contains no references to the prevention of the defective ageing of white wine. It follows that the subject matter of claim 8 is novel and also involves an inventive step (PCT Article 33(3)).

6. The subject matter of independent claims 11 and 12 is also considered to be novel and to involve an inventive step (PCT Article 33(3)).

It should be noted that these claims refer to claim 4, which specifies the amount of yeast added to the must. As a result, the subject matter of

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2005/000115

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

claim 11 differs from known wines, including the
wine described in document D2.

7. Claims 2-7, 9 and 10 are dependent on claims 1 and
8, respectively and, as such, therefore also
fulfil the PCT requirements of novelty and
inventive step.